

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ESPN, INC.,

Plaintiff,

- vs -

QUIKSILVER, INC.,

Defendant.

CIVIL NO.: 08 Civ. 4222 (CM) (MHD)

PLAINTIFF-COUNTER-
DEFENDANT'S STATEMENT OF
COMPLIANCE WITH RULE 6 OF
JUDGE MCMAHON'S RULES
GOVERNING E-DISCOVERY

QUIKSILVER, INC.,

Counterclaimant,

- vs -

ESPN, INC.,

Counterdefendant.

Pursuant to Rule 6 of Judge McMahon's Rules Governing Electronic Discovery, Plaintiff-Counterdefendant ESPN, Inc. ("ESPN"), by its undersigned counsel, hereby states that ESPN is in compliance with Rule 6, and has:

(A) taken the steps to ensure that e-mail of the identified custodians shall not be permanently deleted in the ordinary course of business and that electronic documents maintained by the individual custodians shall not be altered; and

(B) provided to counsel for Defendant-Counterclaimant Quiksilver, Inc. notice as to the criteria used for spam and virus filtering of e-mails and attachments.

Dated: New York, New York
July 9, 2008

NIXON PEABODY LLP

By: /s/ Tamar Duvdevani

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